

REMARKS

35 USC 102 rejections

Claims 1-2, 4-6, 8, 20-23, 25-27, 29, and 36-40 stand rejected under 35 U.S.C. 102(e) as being anticipated by Iryami et al. Reconsideration is requested.

The invention provides a method (and apparatus) in which time intervals are defined during which the signal characterization is constant. The claims make clear that the signal characterizations include at least two different levels of error category. In this way, the record of time intervals provides a representation of the performance of the signal over time in an extremely concise manner, as shown in Figures 4 to 8.

It has previously been argued that Iryami fails to disclose the generation of a record of time intervals, in which a time interval is defined as a period of time during which an error level, particularly one of the specific error characterizations now specified in the independent claims, remains constant. In the "Response to Arguments" section of the office action, the Examiner disagrees with this argument.

In particular, the Examiner argues that Iryami discloses in Figure 4C a period of time during which the bit error rate is null, in addition to a triggering event based on the bit error rate crossing a particular threshold. Thus, the Examiner argues that there are two "signal quality characterizations" disclosed in Iryami.

Applicants submit that even treating the null error rate as a signal characterization, Iryami still fails to disclose or suggest the approach claimed.

The way that the system of Iryami operates in general can be understood from Figures 4B and 4C.

In Figure 4B, the error count gradually increases over time, and when the gradient reaches a certain steepness, there is a re-synchronisation event, at times A, B and C.

The error count at, and the timing of, these re-synchronisation events is used to form a table. Figure 4C shows basically the same idea but plots the bit error rate rather than the bit error count (Figure 4C is the derivative of Figure 4B).

In the instant application, the error performance of a channel is given a category, and each time the category changes, a table is updated. The claims require at least two different categories. The claims also require the table to include information for time intervals which together define a continuous succession of time intervals.

Iryami only discloses one threshold. Even if Figure 4C is considered to show a short period of time of null error rate (corresponding to a "perfect time interval") there is no record taken in Iryami of the time at which this "perfect time interval" ended and a different time interval began. Iryami simply discloses a system in which a record of the re-synchronization events is provided, and these correspond to a single threshold being reached.

The null error rate of Iryami does not have any corresponding time interval for which a record is generated. The time intervals are required by the instant application to be in a continuous succession. Thus, the claims require a record to be taken of a time interval (for example the perfect time interval) but also a record is required to be taken of the time interval which immediately follows and which corresponds to a different signal characterization. Iryami discloses no information which can be considered to relate to two different time intervals in respect of different signal characterizations.

In this way, the invention enables a full record of the evolution of the signal characterizations over a continuous time interval. There is no disclosure of this approach in Iryami.

Thus, Iryami fails to disclose the time interval records as now claimed, and which can enable a low data volume log to be generated. In particular, the invention provides

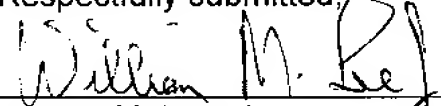
an efficient (low data volume) way of recording error-performance information on the basis of time intervals, and which provides instantly meaningful information to a user. There is no disclosure or suggestion of this approach in Iryami.

The comments above address the rejections raised against all independent claims. It is therefore submitted that the remaining rejections raised against the dependent claims are now moot. Although no discussion of the remaining rejections raised against the dependent claims is given, it should not be taken that the rejections raised are accepted.

It is submitted that this application is now in condition for allowance and that this response raises no new issues. Such action is respectfully solicited.

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Respectfully submitted,



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